

Practitioner's Docket No. MPI1995-001CP1CP1CN1M

USSN: 10/067,741

REMARKS

These remarks address the Examiner's concerns regarding the non-responsiveness nature of the amendment filed on March 9, 2004. For the Examiner's convenience, Applicants submit herewith a copy of the amendment filed on March 9, 2004.

The Examiner asserts that the amendment filed on March 9, 2004 is not fully responsive because "[t]he response to the double patenting rejection is incomplete". Applicants respectfully traverse this assertion and submit that the amendment filed on March 9, 2004 was fully responsive. Applicants clearly stated on page 10 of the amendment that "Applicants will consider filing a Terminal Disclaimer if claims deemed to be conflicting with claims 1-11 of U.S. Patent No. 6,359,194 are indicated as being allowable". This is in agreement with the Examiner's statement that "A complete response should include either a traversal with arguments, a terminal disclaimer, *a statement indicating that a terminal disclaimer will be filed when the instant application is in condition for allowance*, or an amendment to the claims obviates the rejection" (*emphasis added*). Therefore, when the claims of the instant application are found to be allowable, if they are deemed to be conflicting with claims 1-11 of U.S. Patent No. 6,359,194, Applicants will then file a Terminal Disclaimer.

Applicants submit that the response is in accordance with the requirements listed above, however, in the event that any clarification is required, Applicants submit herewith that a Terminal Disclaimer will be filed in the event that allowable subject matter in the instant application is determined to conflict with the subject matter of the claims of U.S. Patent No. 6,359,194.

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CONCLUSIONS

In view of the remarks made herein, Applicants respectfully submit that the objection presented by the Examiner is overcome and that this application is in condition for allowance. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned. In particular, if the subject matter is indicated allowable and if such allowable subject matter is determined to be conflicting with the claims of U.S. Patent No. 6,359,194, Applicants will submit a Terminal Disclaimer as indicated supra.

This paper is being filed timely as no extensions of time are required. In the event any extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

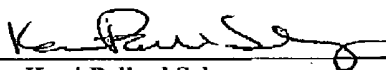
Entry of the remarks made herein is respectfully requested.

Respectfully submitted,

MILLENNIUM PHARMACEUTICALS, INC.

June 10, 2004

By



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